

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CRIMINAL NO. 3:02-216-CMC
)	
v.)	OPINION and ORDER
)	
William Anthony Young,)	
)	
Defendant.)	
_____)	

Defendant, proceeding *pro se*, has filed a “Motion for Extension of Time to File a Certificate of Appealability.” ECF No. 109. Defendant filed this motion in the Fourth Circuit Court of Appeals; the motion was deemed a Notice of Appeal and forwarded to this court for docketing. *See* Letter, ECF No. 109-1. This court has construed this document as a Notice of Appeal, a motion for extension of time, and a motion for certificate of appealability.

This court granted summary judgment to the Government and dismissed Defendant’s motion for relief under 28 U.S.C. § 2255 with prejudice on June 24, 2014. ECF No. 105. In that same order, the court denied a certificate of appealability. *See* Opinion & Order at 1-2. Judgment was entered that same date. ECF No. 106. Accordingly, Defendant had until August 25, 2014, to file a Notice of Appeal in this court. *See* F.R.A.P. 4(a)(1)(B)(i). This he did not do.

The Federal Rules of Appellate procedure provide that a district court may extend the time to file a Notice of Appeal if “a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and [] regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.” F.R.A.P. 5(A)(i)-(ii).

Construing Defendant’s motion as a motion for extension of time to file a Notice of Appeal,

Defendant contends he requires “extra time to adequately prepare and file a COA[,]” and that he “needs additional time to conduct legal research.” Mot. at 1. Finally, Defendant maintains that “fundamental fairness and due process of law would be best served by allowing Mr. Young an extension of thirty (30) additional days to file a COA.” *Id.* at 1-2.

None of the above-noted reasons can be read as excusable neglect, nor does the court find that the stated reasons are good cause for the court to extend the time period for filing a Notice of Appeal. Accordingly, Defendant’s “Motion for Extension of Time to File a Certificate of Appealability,” construed as a motion for extension to file a Notice of Appeal, is **denied**.

To the extent Defendant seeks a certificate of appealability, that was denied in this court’s order granting summary judgment to the Government. Accordingly, as so construed, Defendant’s motion is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 24, 2014